

Solicitors and Apprentices (Ireland) Bill, 1890.

MEMORANDUM

This Bill has been brought forward with the approval of the Incorporated Law Society of Ireland with the object of remedying the defects of the law in respect to solicitors, as it at present exists, and placing them practically upon the same terms as solicitors in England.

In the year 1866 an Act (the 29 & 30 Viet. c. 84.) was passed to "Amend the law for the regulation of the professions of attorneys and solicitors in Ireland, and assimilate them to those in England." This Act was founded on an Act which had been passed in England in 1860.

As serious defects became manifest in the Act of 1860, the English solicitors took steps to have the defects amended and their grievances removed, obtaining for these purposes three Acts, *i.e.*, the Attorneys and Solicitors Act, 1874 (37 & 38 Viet. c. 68.), the Solicitors Act, 1877 (40 & 41 Viet. c. 25.), and the Solicitors Act, 1888 (51 & 52 Viet. c. 65.).

The present Bill seeks to place Irish solicitors and their apprentices and clerks in as good a position as their English brethren.

The Bill is divided into eleven parts—

Part I. (Clauses 1-6) is preliminary, dealing principally with definitions.

Part II. (Clauses 7-8) deals with the lectures and examinations.

Part III. (Clauses 9-33) deals with the terms of apprenticeship and admission.

Part IV. (Clause 34) deals with admission of colonial solicitors.

Part V. (Clause 35) deals with the roll of solicitors.

Part VI. (Clauses 36-39) deals with striking off the roll.

Part VII. (Clauses 40-50) deals with solicitors certificates.

Part VIII. (Clauses 51-52) deals with fees.

Part IX. (Clauses 53-55) deals with penalties.

Part X. (Clauses 56-62) are miscellaneous provisions. And

Part XI. (Clauses 63-64) provides for temporary provision and repeal.

[Bill 87.]

a

It may, perhaps, be well to mention that the chief objects of the Bill are to give the council of the Incorporated Law Society more complete control over the educational course connected with entrance into the solicitors' profession, and also to give the custody of the roll of solicitors to the society. The other small changes are very much matters of detail.

Solicitors and Apprentices (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.
5. Registrar of solicitors.
6. No person to act as a solicitor unless admitted and enrolled.

Lectures and Examinations.

7. Power to Society to provide lectures.
8. Examinations to be held under management of Society.

Apprenticeship and Admission.

9. Admission to apprenticeship.
10. No solicitor to have more than two apprentices at one time, or to take or retain any apprentice after discontinuing business, nor whilst clerk to another solicitor.
11. No person to be admitted a solicitor unless he shall have served an apprenticeship of five years.
12. Persons having taken degrees at certain universities may be admitted after three years' service.
13. Persons having been at the bar may be admitted after three years' service.
14. Provision for admission of university graduates after four years' apprenticeship.
15. Persons attending certain lectures and passing certain examinations in faculty of law during two collegiate years may be admitted after four years' service.
16. Persons having been *bonâ fide* clerks to solicitors for ten years may be admitted after three years' service.

[Bill 87.]

b

Clause.

17. General exemptions from preliminary examination.
18. Power of judges to grant special exemptions from preliminary examination.
19. In case solicitors become bankrupt or insolvent, or be imprisoned, indentures to be discharged or assigned.
20. Disqualification of solicitor not to affect service of apprentice.
21. Applications for striking solicitors off the roll for defect in indentures, &c. to be made within twelve months of admission.
22. Apprentices whose masters have died or left off practice may enter into fresh indentures for the residue of their term.
23. Power to judge to order assignments under last section.
24. Indentures of apprenticeship to be registered by the registrar.
25. Apprentices before admission to make affidavit of having served. Apprentices may hold offices or engage in employment in certain cases. Lord Chancellor's order. Notice of application to be given to Incorporated Law Society. Lord Chancellor may attach conditions to order. Proof of compliance with conditions.
26. Certificate of having passed examinations requisite for admission of solicitor.
27. Power to Lord Chancellor to admit though service under articles irregular.
28. Candidates not to present themselves for final examination till expiration of apprenticeship unless where it expires in vacation.
29. Exemption of certain barristers from intermediate examination and service under articles.
30. Appeal to Lord Chancellor against refusal of certificate.
31. Admission as solicitor by Lord Chancellor.
32. Enrolment of persons admitted.
33. Persons admitted capable of practising in all other courts on signing rolls of other courts.

Admission of Colonial Solicitors.

34. Attorneys and solicitors of colonial courts to be admitted solicitors in Ireland. Conditions of such admittance. Stamps on such admission. Only to apply to colonies specified in Order in Council.

Roll of Solicitors.

Clause.

35. Transfer to Incorporated Law Society of roll of solicitors.

Striking off Roll.

36. Constitution of committee.
37. Applications to be made to committee. Report of committee.
38. Power to administer oaths.
39. Order for striking solicitor off the roll to be entered in the roll and register.

Solicitors' Certificates.

40. Register of solicitors to be kept.
41. Commissioners of Stamps not to grant any certificate until registrar has certified that the person applying is entitled thereto.
42. On application for a certificate a declaration to be signed and entered in a book.
43. Registrar's certificates on payment of duty to be deemed the stamped certificates.
44. For determining amount of stamp duty, place of business to be deemed place of residence.
45. The declaration on applying for the registrar's certificate to be in duplicate, and one copy to be left with the Commissioners.
46. On registrar's refusal, application to be made to court.
47. Certificate to be entered with the registrar, the Commissioners to supply particulars when stamped.
48. Date and determination of certificate.
49. Jurisdiction as to renewal of annual certificates.
50. No costs recoverable by unqualified person.

Fees.

51. Fees payable to Incorporated Law Society.
52. No other fees to be payable by apprentices, &c. other than those authorised by this Act.

*Penalties.**Clause.*

53. Solicitors not to act for unqualified person, &c.
54. Penalty for wrongfully acting as a solicitor.
55. Penalty for wrongfully acting as solicitor. Offences may be prosecuted before a court of summary jurisdiction.

Miscellaneous Provisions.

56. Provision as to admission to offices of solicitors who have been barristers.
57. Council of Incorporated Law Society may act on behalf of the Society.
58. Authentication of regulations and other documents.
59. Rules as to procedure before committee, and for carrying Act into execution.
60. Act not to extend to examination, &c. of solicitors to public departments.
61. Construction of enactments referring to attorneys and examinations.
62. Substitution of provisions of this Act for repealed provisions.

Temporary Provision and Repeal.

63. Temporary provision as to examinations.
64. Repeal of 29 & 30 Vict. c. 84.

SCHEDULES.

A
B I L L
TO

Amend and consolidate the Laws relating to Solicitors and
to the service of Indentured Apprentices in Ireland. A.D. 1891.

WHEREAS it is expedient to amend and consolidate the laws relating to solicitors, and to the service of indentured apprentices to solicitors in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Solicitors (Ireland) Act, 1891. Short title.
- 10 2. This Act shall extend to Ireland only. Extent of Act.
3. This Act shall, so far as regards the power of the Lord Chancellor and certain of the judges of Her Majesty's High Court of Justice in Ireland and of the Incorporated Law Society to make regulations hereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations hereunder, come into operation on the *passing hereof*, and for all other purposes shall come into operation on the *first day of January one thousand eight hundred and ninety-two*. Commencement of Act.
- 15 4. In this Act "Lord Chancellor" means the Lord Chancellor of Ireland, and shall include Lords Commissioners, and Lord Keeper of the Great Seal of Ireland: Interpretation of terms.
- "Solicitor" means solicitor of the Supreme Court:
- "Registrar" means the registrar of solicitors:
- 25 "The Incorporated Law Society" or "the Society" means "the Incorporated Law Society of Ireland" acting under their present or any future charters:
- [Bill 87.] A

A.D. 1891.

40 & 41 Vict.
c. 23, s. 4.

"Preliminary examination" means an examination in general knowledge of persons seeking to become bound under indentures of apprenticeship to solicitors :

"Intermediate examination" means an examination of persons bound under indentures of apprenticeship to solicitors in order to ascertain the progress made by such persons during their apprenticeship in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors :

"Final examination" means an examination of persons applying to be admitted as solicitors as well touching the indentures of apprenticeship and service as the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of such allegation.

Registrar of
solicitors.29 & 30 Vict.
c. 24, s. 28.

5. There shall be a registrar of solicitors, who shall have the powers and perform the duties by this Act provided, and the office of such registrar shall be vested in the Incorporated Law Society under their present or any future charters of incorporation.

No person to
act as a
solicitor un-
less admitted
and enrolled.

6. From and after the commencement of this Act, no person shall act as a solicitor, or as such solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in his own name or in the name of any other person in Her Majesty's Supreme Court, or in the Court of Bankruptcy in Ireland, or in the Court of the Land Commission, or in the county court or petty sessions courts of any county or riding of a county, or in any court of civil or criminal jurisdiction, in that part of the United Kingdom of Great Britain and Ireland called Ireland, or act as a solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, or before any Commissioner of Her Majesty's Revenue, unless such person shall have been admitted and enrolled and otherwise duly qualified to act as a solicitor under or by virtue of the laws now in force, or unless such person shall after the commencement of this Act be admitted and enrolled and otherwise duly qualified to act as a solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on

29 & 30 Vict.
c. 24, s. 3.

the roll of solicitors at the time of his acting in the capacity of a solicitor as aforesaid, except as herein-after in this Act mentioned. A.D. 1891.

Lectures and Examinations.

7. It shall be lawful for the Incorporated Law Society, from
5 time to time, to provide lectures, classes, and other teaching for persons bound, or about to be bound, under indentures of apprenticeship, to solicitors, and for that purpose to appoint such professors and lecturers to hold office for such period, and on such terms, and for such remuneration, and subject to such conditions as the Incorporated
10 Law Society may from time to time determine.

8. The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year, commencing with
the first day of January one thousand eight hundred and ninety-two, and in every succeeding year, a preliminary examination, an inter-
15 mediate examination, and a final examination; and the Society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power from time to time to make regulations with respect to all or any of the following matters; (that is to say,)

- 20 (A.) With respect to the admission to apprenticeship, the attendance of apprentices at lectures, and other matters connected therewith;
(B.) With respect to the subjects for and the mode of conducting the examination of candidates; and
25 (C.) With respect to the times and places of examination, and the notices of examinations; and
(D.) With respect to the certificates to be given to persons of their having passed any examination; and
(E.) With respect to the appointment and removal of examiners, professors, and lecturers, and with respect to the remuneration
30 by fees or otherwise of the examiners, professors, or lecturers so appointed; and
(F.) With respect to any other matter or thing as to which the Society think it expedient to make regulations for the purpose
35 of carrying this section into execution.

Any regulation made under the authority of this section may be altered or revoked by a subsequent regulation; and copies of all regulations made under the authority of this section shall be transmitted to the Lord Chancellor and the presidents of the Queen's
40 Bench Division, and the Exchequer Division of the High Court, and to the Master of the Rolls, and if within twenty-eight days after a

Power to Society to provide lectures.

Examinations to be held under management of Society.

40 & 41 Vict.
c. 23. s. 6.

A.D. 1891. copy of any regulation has been so transmitted, any three of those judges, or any two of them in the event of the office of President of the Exchequer Division ceasing to exist (the Lord Chancellor being one), signify by writing under their hands, addressed to the president or secretary of the Society, their dissent from such regula- 5
tion or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof has come into force, any three of those judges, or any two of them in the event aforesaid (the Lord Chancellor being one), shall signify in manner aforesaid their dissent from such regulation or any part thereof, the 10
same shall, at the expiration of two months, cease to be of any force or effect.

Apprenticeship and Admission.

Admission
to appren-
ticeship.

9. Save as herein-after by this Act provided, no person shall be capable of being bound by indentures of apprenticeship to serve as 15
an apprentice to a solicitor unless he shall have obtained from the Incorporated Law Society a certificate that he has passed a preliminary examination and has complied with such regulations as the Society under the provisions of this Act may have prescribed with respect to the admission to apprenticeship. 20

No solicitor
to have more
than two
apprentices
at one time,
or to take or
replace any
apprentice
after discon-
tinuing busi-
ness, nor
whilst clerk
to another
solicitor.
6 & 7 Vict.
c. 73. s. 1.

10. No solicitor shall have (save as herein-after in this section mentioned) more than two apprentices at one and the same time bound by indentures of apprenticeship to serve him as apprentices, and no solicitor shall take, have, or retain any such apprentice after such solicitor shall have discontinued or left off practising 25
as or carrying on the business of a solicitor, nor whilst such solicitor shall be retained or employed as a writer or clerk by any other solicitor, and service by any apprentice under such indentures as aforesaid, to any solicitor for and during any time that such solicitor shall be so employed as writer or clerk to any other solicitor, shall 30
not be deemed good service under such indentures: Provided always that in every case where a solicitor at the commencement of this Act has three apprentices he may have and retain such apprentices till the expiration of their indentures of apprenticeship.

No person to
be admitted
a solicitor
unless he
shall have
served an ap-
prenticeship
of five years.
29 & 30 Vict.
c. 84. s. 4.

11. No person, save as herein-after by this Act provided, shall 35
from and after the commencement of this Act be capable of being admitted and enrolled as a solicitor unless such person shall have been bound by indentures of apprenticeship to serve as an apprentice for and during the term of *five years* to a practising solicitor, and shall have duly served under such indentures for and during the 40
said term of five years.

12. Any person having taken the degree of bachelor of arts or bachelor of laws in the University of Dublin, Oxford, Cambridge, Durham, London, or the Royal University in Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws in any of the universities of Scotland (none of such degrees being honorary degrees), and who at any time after having taken such degree, and either before or after the commencement of this Act, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

A.D. 1801.
Persons having taken degrees at certain universities may be admitted after three years' service.
29 & 30 Vict. c. 84. s. 7.

13. Every person who either before or after the commencement of this Act has been called to the degree of utter barrister in Ireland, and has procured himself to be disbarred, and has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

Persons having been at the bar may be admitted after three years' service.
29 & 30 Vict. c. 84. s. 8.

14. Every person who, after the commencement of his apprenticeship, and previous to his admission as a solicitor, has taken or shall take the degree of bachelor of arts in the University of Dublin, or in the Royal University of Ireland, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of four years.

Provision for admission of university graduates after four years' apprenticeship.

15. Every person who, as a matriculated or as a non-matriculated student of the University of Dublin or of any of the Queen's Colleges in Ireland or the Royal University of Ireland, shall have attended or shall attend any prescribed lectures, and shall have passed or shall pass any prescribed examinations of the professors of the faculty of law in the said University of Dublin or in any of the Queen's Colleges in Ireland or in the Royal University of Ireland for a period of two collegiate years, shall only be required to serve under indentures of apprenticeship to a practising solicitor for the term of four years. "Prescribed" in this section means prescribed by any regulations made by the Incorporated Law Society.

Persons attending certain lectures, and passing certain examinations in faculty of law during two collegiate years may be admitted after four years' service.
29 & 30 Vict. c. 84. s. 9.

16. Any person who, either before or after the commencement of this Act, shall for the term of ten years have been a bond fide clerk to a solicitor or solicitors, and during that term shall have been bond fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and performed by solicitors, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently

Persons having been bond fide clerks to solicitors for ten years may be admitted after three years' service.

A.D. 1891.
23 & 24 Vict.
c. 127, s. 4.

served as such clerk, and who, after the expiration of the said term of ten years, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of *three years*.

General
exceptions
from pre-
liminary ex-
amination.
40 & 41 Vict.
c. 25, s. 10.

17. A certificate of having passed a preliminary examination 5 under this Act shall not be required from any person within the twelfth or thirteenth sections of this Act, or who has passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed one of the local examinations 10 established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the open public matriculation examinations of the Universities of Dublin, London, or the Royal University of Ireland, 15 or in any of the Queen's Colleges in Ireland, or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1819. The above exemption may be extended by regulations made under this Act to any persons who pass any examination held in any of the above-mentioned universities, or in 20 any other university, college, or educational institution specified in such regulations.

Power of
judges to
grant special
exceptions
from pre-
liminary ex-
amination.
40 & 41 Vict.
c. 25, s. 11.

18. The Lord Chancellor, the Presidents of the Queen's Bench Division and the Exchequer Division of the High Court, and the Master of the Rolls, or any one or more of them may, where under 25 special circumstances they or he see fit so to do, exempt any person from compliance with the enactments and regulations for the time being in force with respect to the preliminary examination, either entirely or partially, or subject to any such conditions as to them or him may seem fit. 30

In case solici-
tors become
bankrupt or
insolvent, or
be im-
prisoned, in-
dentures to
be discharged
or assigned.
29 & 30 Vict.
c. 84, s. 6.

19. In case any solicitor to whom any apprentice shall be bound by indenture as aforesaid shall, before the end or determination of such contract, become bankrupt, or be imprisoned for debt and remain in prison for the space of *twenty-one days*, it shall be lawful for the Lord Chancellor, upon the application of such apprentice, to 35 order and direct the said indentures to be discharged, or assigned to such person and upon such terms and in such manner as he shall think fit.

Disqualifi-
cation of solici-
tor not to
affect service

20. No person who shall have duly served his apprenticeship under indentures pursuant to the provisions of this Act shall be 40 prevented or disqualified from being admitted and enrolled as a

solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the solicitor to whom he may have been bound by such indentures having been after such service struck off the roll, provided that such apprentice or person be otherwise entitled to be admitted and enrolled according to the provisions of this Act.

A.D. 1891.
of appren-
tice.
29 & 30 Vict.
c. 84. s. 39.

21. No person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the indentures of apprenticeship, or in the registry thereof, or in his service under such indentures, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment, provided that such indentures, registration, service, admission, or enrolment be without fraud.

Applications for striking solicitors off the roll for defect in indentures, &c. to be made within twelve months of admission.

29 & 30 Vict. c. 84. s. 40.

22. If any solicitor to whom any person shall be bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as a solicitor, or if such indentures shall by mutual consent of the parties be cancelled, or in case such apprentice shall be legally discharged before the expiration of such term by any rule or order of the Lord Chancellor, such apprentice may in any of the said cases be bound by other indentures or by an assignment of his former indentures to serve as apprentice to any other practising solicitor or solicitors during the residue of the said term; and service under such second or other indentures or under such assignment shall be deemed and taken to be good and effectual.

Apprentices whose masters have died or left off practice may enter into fresh indentures for the residue of their term.

29 & 30 Vict. c. 84. s. 16.

23. In the event of any apprentice requiring to have an assignment made of his indentures under the last preceding section, it shall be lawful for the Lord Chancellor, upon application being duly made by or on behalf of such apprentice, and upon being satisfied that a difficulty exists in procuring such assignment to be executed, to order that such indentures shall be transferred to such solicitor as to the Lord Chancellor may seem fit, and upon the making of any such order the said indenture shall be deemed and taken to be absolutely assigned in as full and ample a manner as if an assignment thereof had been duly executed by the person or persons legally entitled to assign the same.

Power to Lord Chancellor to order assignments under last section.

24.—(1.) The indentures whereby any person shall be bound to serve as an apprentice to a solicitor, and which have not been registered before the commencement of this Act, shall, within six months from the date of such indentures, be produced to the registrar, who on being satisfied of the due execution thereof shall enter in a book the names and addresses of the parties to, and the date of the indentures, and the date of the entry. The book in which

Indentures of apprenticeship to be registered by registrar.
51 & 52 Vict. c. 63. s. 7.

A.D. 1891. the entries are made shall, during office hours, be open to inspection by any person without fee or reward.

(2.) The registrar may, before making any such entry as aforesaid, require the execution of any articles to be verified by a statutory declaration or otherwise as may be thought fit by the 5 registrar.

Provision if indentures not registered within six months.
51 & 52 Vict.
c. 65, s. 8.

(3.) If indentures of apprenticeship are not produced to the registrar for entry within six months of the date thereof, they may be subsequently produced and entered, but in that case the service of the apprentice shall be reckoned to commence from the date of 10 the production for entry, unless the Lord Chancellor shall otherwise direct.

Provision where indentures lost.
2 & 3 Vict.
c. 33.

(4.) In any case in which the indentures of apprenticeship shall have been lost before being produced to the registrar for entry, the Lord Chancellor may, upon being satisfied by such evidence as 15 he shall think sufficient of the loss of the original indentures and that the duty has been duly paid thereon or upon a copy thereof, direct that the production of a copy thereof to the registrar shall be a sufficient compliance with the provisions of this section as to the production of indentures of apprenticeship. 20

51 & 52 Vict.
c. 65, s. 9.

(5.) The provisions of this section with respect to the production and entry of indentures, apply to fresh indentures under the twenty-second section of this Act, in the same manner as they apply to the original indentures.

Apprentices before admission to make affidavit of having served.

29 & 30 Vict.
c. 84, s. 18.

25.—(1.) Every person who has been or shall be bound as an 25 apprentice as aforesaid shall, before he is admitted a solicitor according to this Act, prove, by an affidavit or statutory declaration of himself and of the solicitor to whom he was bound as aforesaid, to be duly made and filed with the registrar, or by such other evidence as shall be satisfactory to the Lord Chancellor, that he 30 has actually and really served and been employed by such practising solicitor, and that he has not (save as herein-after provided) held any office or engaged in any employment whatsoever other than the employment of apprentice to such solicitor and his partner or partners in the business, practice, and employment of a solicitor 35 during the whole time and in the manner required by the provisions of this Act.

Apprentices may hold offices or engage in employment in certain cases.

37 & 38 Vict.
c. 68, s. 4.

(2.) Any person while so bound as aforesaid may hold any office or engage in any employment, provided that before or after he enters upon the office, or engages in the employment, he has applied 40 for and obtained—

(a.) The consent thereto in writing of the solicitor to whom he is bound; and

(b.) The sanction thereto of the Lord Chancellor, to be evidenced by his order. A.D. 1891.

(3.) Such order shall not be made except such person shall prove, by an affidavit from the solicitor to whom he is bound, or by such other evidence as shall be satisfactory to the Lord Chancellor, that the holding of such office, or being engaged in such employment, was with the consent of the solicitor to whom he was or is bound, and has not interfered with due service under his indentures of apprenticeship, and the Lord Chancellor shall have power to make any order which he shall think fit as to the service by the person so bound as aforesaid for the remainder of the term of his service, or any part thereof, after the acceptance of such office, or the engagement in such employment, or as to the passing of any examination.

(4.) Not less than fourteen days before any such application is made to the Lord Chancellor notice in writing of the application shall be given to the Incorporated Law Society by the applicant, which notice shall state the names and residences of the applicant, and of the solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

The Society may appear on the hearing of such application, and upon any other proceedings arising out of or in reference to the same.

(5.) The Lord Chancellor may in and by such order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as he may think fit.

(6.) Where any terms or conditions shall be so imposed, and the person authorised by the order shall accept the office, or engage in the employment, he shall before being admitted a solicitor, prove to the satisfaction of the Lord Chancellor and of the Incorporated Law Society that he has duly observed and fulfilled those terms and conditions.

26. Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, no person shall be admitted a solicitor unless he has obtained from the Incorporated Law Society a certificate or certificates to the effect that he has passed a preliminary, an intermediate, and a final examination, and has complied with such regulations as the Society under the provisions of this Act may from time to time prescribe.

27. Where any person who has been bound by indentures of apprenticeship to serve as an apprentice to a solicitor has not served as an apprentice under such indentures strictly within the provisions

[87.]

B

Lord Chancellor's order.

Notice of application to be given to Incorporated Law Society.

Lord Chancellor attach conditions to order.

27 & 38 Vict. c. 68, s. 5.

Proof of compliance with conditions.

37 & 38 Vict. c. 68, s. 6.

Certificate of having passed examinations requisite for admission of solicitor.

40 & 41 Vict. c. 25, s. 5.

Power for Lord Chancellor to admit, though

A.D. 1891.
service under
indentures
irregular.
40 & 41 Vict.
c. 25, s. 15.

of this Act or of the Attorney and Solicitors Act (Ireland), 1866, while the same was in force, but subsequently to the execution of such indentures *bonâ fide* serves (either continuously or not) one or more solicitors as an apprentice for periods together equal in duration to the full term for which he was originally bound, and has obtained such certificates as he is required by this Act to obtain, it shall be lawful for the Lord Chancellor in his discretion, if he is satisfied that such irregular service was occasioned by accident, mistake, or some other sufficient cause, and that such service, though irregular, was substantially equivalent to a regular service, to admit such person to be a solicitor in the same manner as if such service had been a regular service within the meaning of the said Act or this Act.

Candidates
not to pre-
sent them-
selves for
final exami-
nation till
expiration of
apprentice-
ship, unless
where it
expires in
vacation.

29 & 30 Vict.
c. 54, ss. 4
and 23.

Exemption
of certain
barristers
from inter-
mediate ex-
amination
and service
under
articles.
40 & 41 Vict.
c. 25, s. 12.

28. No person bound by indentures of apprenticeship to serve as an apprentice to a solicitor shall present himself as a candidate at the final examination until after the expiration of the period for which, under the provisions of this Act, he is required to serve as such apprentice before being admitted a solicitor: Provided that whenever any of the periods of five, four, and three years' service mentioned in this Act expire in any vacation, then, and in such case, any person whose period of apprenticeship shall so expire shall be at liberty to present himself at the final examination which shall be held immediately preceding such vacation.

29. Any person who has been called to the degree of utter barrister in Ireland, and is of not less than five years' standing at the bar, and has procured himself to be disbarred with a view of becoming a solicitor, and has obtained from two of the Benchers of the King's Inns a certificate of his being a fit and proper person to practise as a solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, and shall be entitled, without being bound or serving as an apprentice to a solicitor, on passing a final examination under this Act (except so much of such examination as relates to indentures of apprenticeship and service thereunder), to be admitted and enrolled as a solicitor.

Appeal to
Lord Chan-
cellor against
refusal of
certificate.
40 & 41 Vict.
c. 25, s. 9.

30. Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to such refusal, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord Chancellor may from time to time direct.

In the meantime, and until the Lord Chancellor otherwise directs, such petition shall be presented at the office of the secretary to the Lord Chancellor without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be heard by the Lord Chancellor on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as he may appoint.

On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination, on appeal to the Lord Chancellor, obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

31. A person who has obtained from the Incorporated Law Society a certificate of having passed a final examination may apply to the Lord Chancellor to be admitted as a solicitor, and thereupon the Lord Chancellor, unless cause to the contrary is shown to his satisfaction, shall, by writing under his hand, admit in such manner and form as he shall from time to time direct such person to be a solicitor.

Admission as solicitor by Lord Chancellor.

51 & 52 Vict. c. 65. s. 10.

32. On production of the admission signed by the Lord Chancellor, and on payment of the fee in the First Schedule to this Act mentioned, it shall be the duty of the Society, as registrar, to cause the name of the person admitted to be entered on the roll of solicitors.

Enrolment of persons admitted.

51 & 52 Vict. c. 65. s. 11.

33. Every person who shall have been duly admitted a solicitor of the Supreme Court shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as a solicitor in any other court in Ireland, upon signing the roll of such other court, where any such roll exists, but not otherwise, and shall thereupon be entitled to practise as a solicitor therein: Provided always, that no additional fee besides those payable by virtue of this Act shall be demanded or paid.

Persons duly admitted entitled of practising in all other courts on signing rolls of other courts.

51 & 52 Vict. c. 65. s. 3c.

A.D. 1891.

Admission of Colonial Solicitors.

Attorneys
and solic-
itors of
colonial
courts to be
admitted
solicitors in
Ireland.

20 & 21 Vict.
c. 39, s. 5.

34.—(1.) Subject to the provisions in this section contained, all persons who, being subjects of the British Crown, have been, or shall hereafter be, duly admitted and enrolled as attorneys or solicitors in the superior courts in those of Her Majesty's colonies or dependencies where the system of jurisprudence is founded on or assimilated to the common law and principles of equity, as administered in England, and where full service under indentures of apprenticeship or articles of clerkship to an attorney or solicitor for the space of *five years* at the least, and an examination to test the qualification of candidates, are or may be required previous to such admission, save only in the case of persons previously admitted as solicitors in England or Ireland, shall, and may be, admitted and enrolled solicitors.

Conditions of
such admis-
sion.

20 & 21 Vict.
c. 39, s. 4.
37 & 38 Vict.
c. 41, s. 1.

(2.) No person shall be qualified to be admitted a solicitor under this section unless he shall pass such examination to test his fitness and capacity as the Incorporated Law Society shall, by any rules or regulations made under this Act, prescribe, and shall produce at such examination a certificate from the presiding judge of the superior court of common law in the colony or dependency where such person shall have been duly admitted an attorney or solicitor in the form contained in the Second Schedule to this Act, or to the like effect, and shall further make a statutory declaration that he is resident in Ireland, and that he has ceased, for the space of twelve calendar months at the least, to practise as attorney or solicitor in any colonial court of law: Provided always, that when the person seeking to be admitted a solicitor under this section shall have been in actual practice for the period of *seven years* at the least in such colony or dependency, and shall have served under articles, and passed an examination previously to his admission as an attorney or solicitor in such colony or dependency, he shall not be required, before being admitted a solicitor under this section, to pass the examination herein-before by this section required, or to make a statutory declaration that he has ceased, for the space of twelve calendar months, to practise as attorney or solicitor in any colonial court of law.

Stamp on
each admis-
sion.

20 & 21 Vict.
c. 39, s. 6.

(3.) The admission of any person as a solicitor under this section shall be stamped with the stamps by law required to be impressed on the admission of solicitors in Ireland, and with such further stamp (if any) as shall, together with the amount of stamps paid on the indentures of apprenticeship or articles of clerkship, and admission

in the colony, be equal in amount to the sum by law payable for the time being on articles of apprenticeship in Ireland. A.D. 1891.

(4.) The provisions of this section shall apply to persons admitted as attorneys or solicitors in the superior courts in such colonies or dependencies only as Her Majesty may from time to time, by Order in Council, specify, provided that no colony or dependency shall be specified in any such order except upon application made by the governor of such colony or dependency, and until it shall be shown to the satisfaction of the Secretary of State for the Colonies that the system of jurisprudence, as administered in such colony or dependency, and the qualification for admission as attorney or solicitor in the superior courts thereof, answer to and fulfil the conditions herein-before in this section specified; and also that solicitors of the Supreme Court of Judicature in Ireland are admitted as attorneys and solicitors of the superior courts of such colony or dependency on production of their certificates of admission in Ireland, without service or examination in the colony or dependency.

Only to apply in colonies specified in Order in Council.
29 & 31 Vict.
c. 39. s. 7.

Roll of Solicitors.

35.—(1.) The books containing the roll of solicitors, and any other documents relating thereto, heretofore in the custody of the clerk of the records and writs, shall, as soon as may be after the passing of this Act, be transferred to and be kept in the custody of the Incorporated Law Society as registrar of solicitors; and all affidavits, orders, and documents heretofore required to be filed or delivered at the office of such clerk shall henceforth be filed with or delivered to the Society; and all powers and duties of such clerk in relation to the roll of solicitors, or to solicitors, shall henceforth (subject to the repeals effected by and to the other provisions of this Act) be performed and exercised by the Society: Provided that the Lord Chancellor shall have and exercise all the powers and jurisdiction with regard to all the matters in this section mentioned which he had and might have exercised if this Act had not been passed.

Transfer to Incorporated Law Society of roll of solicitors.
51 & 52 Vict.
c. 61. ss. 5 and 6.

(2.) The roll of solicitors shall, during office hours, be open to the inspection of any person, without fee or reward.

Striking off the Roll.

36. For the purpose of hearing any application to strike a solicitor off the roll of solicitors, or an application to require a

Constitution of committee.

A.D. 1891. solicitor to answer allegations contained in an affidavit, the Lord
 51 & 52 Vict. Chancellor shall appoint a committee of not less than three nor
 c. 65, s. 12. more than seven of the members of the council of the Society in
 this Act called "the committee."

The Lord Chancellor may from time to time remove any member 5
 from the committee, or fill any vacancy in the committee, or add to
 its number, provided that the number shall not exceed seven or be
 less than three.

No application shall be heard before less than three members of
 the committee. 10

Applications
 to be made
 to committee;
 report of
 committee.
 51 & 52 Vict.
 c. 65, s. 13.

37. An application to strike the name of a solicitor off the roll of
 solicitors (whether at the instance of the solicitor himself or of any
 other person), or an application to require a solicitor to answer
 allegations contained in an affidavit, shall be made to and shall be
 heard by the committee, in accordance with regulations to be made 15
 under the authority of this Act.

The committee, after hearing the case, shall embody their finding
 in the form of a report to the High Court of Justice, except where
 the application is made at the instance of the solicitor himself, in
 which case the report shall be made to the Lord Chancellor, who 20
 shall make such order thereon as he shall think fit.

If the committee are of opinion that there is no *prima facie* case
 of misconduct against the solicitor, the Society need not take any
 further proceedings; but if the committee are of opinion that there
 is a *prima facie* case, it shall be the duty of the Society to bring the 25
 report of the committee before the court.

The report shall have the same effect, and shall be treated by the
 court in the same manner, as a report of a master of the court;
 and the court may make such order thereon as to the court may
 seem fit. 30

Provided that any person who but for this Act would have been
 entitled to apply to the court to strike a solicitor off the roll of
 solicitors, or to apply to require a solicitor to answer allegations
 contained in an affidavit, shall be entitled so to apply, although the
 committee is of opinion that there is no *prima facie* case of mis- 35
 conduct against the solicitor, and shall be entitled to be heard if the
 Society brings the report of the committee before the court.

Power to
 administer
 oaths, &c.
 51 & 52 Vict.
 c. 65, s. 14.

38. The committee may administer and take oaths and affirmations
 for the purpose of an inquiry or any application made to them
 under this Act. 40

Order for
 striking soli-
 citor off the

39.—(1.) Where the name of any solicitor is ordered to be struck
 off the roll of solicitors on the application of the Society, it shall be

A.D. 1891.

the duty of the Society, as registrar, to enter a note or minute of such order in connexion with the name of such solicitor on the roll of solicitors and on the register, and to strike such name off such roll and register.

roll to be entered on the roll and register.
29 & 30 Vict.
c. 81. s. 44.

- 5 (2.) Where such order is made on the application of the solicitor himself, or of any other person not being the Society, such order shall forthwith, and before the same is noted upon, be produced to the registrar, who shall thereupon enter a note or minute thereof and strike the name of the solicitor off the roll and register in the same manner as in the preceding sub-section specified.

10

Solicitors Certificates.

40. It shall be duty of the registrar of solicitors to keep an alphabetical roll or book or rolls or books of all solicitors, to be called the register of solicitors, and to issue certificates of persons who have been admitted and enrolled as solicitors when required so to do.

Register of solicitors to be kept.
29 & 30 Vict.
c. 81. s. 28.

41. It shall not be lawful for the Commissioners of Inland Revenue or any of their officers, save as herein-after mentioned, to grant or issue to any person any stamp upon a certificate authorising such person to practise as a solicitor, but every person desiring to obtain such stamped certificate shall deliver to the said Commissioners or their proper officer, at the head office of Inland Revenue in Dublin, a certificate from such registrar as aforesaid that such person is a solicitor, and entitled to a stamped certificate, and such registrar's certificate shall be thereupon stamped with the proper amount of duty payable thereon, and shall have the same force and effect as the stamped certificate heretofore issued under the Attorneys and Solicitors Act (Ireland), 1836.

Commissioners of Stamps not to grant any certificate until registrar has certified that the person applying is entitled thereto.
29 & 30 Vict.
c. 81. s. 34.

29 & 30 Vict.
c. 81.

42. For the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, in the form in the Third Schedule to this Act, signed by such solicitor or by his partner, or by his Dublin agent, being a solicitor, on his behalf, containing his name and place of residence, and the court of which he is then admitted a solicitor, together with the sittings or term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, within six days after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the

On application for certificate a declaration to be signed and entered in a book.
29 & 30 Vict.
c. 81. s. 31.

29 & 30 Vict.
c. 81. s. 31.

A.D. 1891.

said roll of solicitors), deliver to the said solicitor, or to his agent as aforesaid, on demand, a certificate in the form set forth in the Fourth Schedule to this Act annexed, and which last-mentioned certificate shall be delivered to the Commissioners of Inland Revenue as herein-before directed for the purpose of being stamped.

Registrar's
certificates
on payment
of duty to be
deemed the
stamped
certificates.
29 & 30 Vict.
c. 84. s. 32.

43. The stamp duties chargeable on such certificates shall be denoted upon the registrar's certificates, and upon any such certificate being stamped accordingly, and the date of the payment of the duty certified by the proper officer by writing under his hand, or by other sufficient means, the same shall be and be deemed the proper stamped certificate required by law to be taken out by the solicitor named therein.

Fee deter-
mining
amount of
stamp duty,
place of busi-
ness to be
deemed place
of residence.
29 & 30 Vict.
c. 84. s. 33.

44. For determining the rate of stamp duty payable on the certificate, the place or places where the solicitor shall carry on his business shall be deemed to be the place or places of his residence within the meaning of the Acts relating to the stamp duties on certificates; and the declaration required to be delivered to the registrar, for the purpose of obtaining his certificate, and also the certificate to be granted thereon, shall specify the place or places where the solicitor by or for whom the certificate is required carries on his business.

The declara-
tion on ap-
plying for the
registrar's
certificate to
be an dupli-
cate, and one
copy to be
left with the
Commis-
sioners.
29 & 30 Vict.
c. 84. s. 34.

45. The declaration required to be made for the purpose of obtaining the registrar's certificate shall be made out and signed in duplicate, and one of such duplicates shall be delivered to and left with the registrar, and the other produced to him, and the duplicate so produced, together with the certificate granted on such declaration, shall be left with the Commissioners of Inland Revenue or their proper officer on applying to have the certificate stamped, and shall be and be deemed the note in writing required by law to be delivered to the Commissioners or their officer to entitle the solicitor to a stamped certificate; and for every such certificate issued by the registrar, and the previous requisite search and inquiry, there shall be paid to the registrar by such solicitor, his partner, or agent, the sum of *five shillings*.

On regis-
trar's refusal
application to
be made to
court.
29 & 30 Vict.
c. 84. s. 35.

46. In case the registrar shall decline or neglect to issue such certificate as he is herein-before required to give, the solicitor applying for the same may, on giving six clear days' notice to the registrar, apply to the Lord Chancellor, who shall make such order in the matter as shall be just.

47. For the purpose of enabling the registrar to enter upon the register of solicitors kept by him a note or minute of the time of stamping every certificate, the Commissioners of Inland Revenue shall, whenever the same shall be required after the *sixth day of February* in every year, furnish to the registrar an account of the certificates issued between the *sixth day of February* and the *fifth day of January* preceeding for which during the same period the stamp duties have been paid, specifying the names and places of business of the parties respectively to or for whom the same have been issued, and the dates of payment of the stamp duties; or in lieu of such account the Commissioners at their option shall return to the registrar the aforesaid duplicate declarations to which such certificates relate, with a note or memorandum on each of them specifying the date of payment of the stamp duty for the certificate, and the registrar shall, upon such account being furnished, or such duplicate declarations being returned to him as aforesaid, enter such note or minute as aforesaid; and in order that such entry may be made in respect of certificates stamped at any other time, every such last-mentioned certificate shall, within one month after payment of the duty, be produced to the registrar, who shall thereupon make such entry, and signify the same by a note or memorandum upon the certificate; and every such last-mentioned certificate which shall not be so produced within the said period shall have effect only as a qualification to practise from the time when it shall be produced: Provided that it shall be lawful for the Lord Chancellor at any time to make an order directing that any certificate not so produced shall have effect upon and from the time of stamping the same or any subsequent period.

48. Every certificate issued by the registrar between the *fifth day of January* and the *sixth day of February* in any year shall bear date on the *sixth day of January*, and shall take effect on that day for all purposes, provided it be stamped before the *sixth day of February*, and in every such case the *fifth day of January* shall, for the purpose of this Act, be deemed to be the date of the payment of the duty; but if such certificate be not so stamped it shall take effect, as regards the qualification to practise, on the day on which it is stamped; and every certificate issued at any other time shall bear date on the day on which it is issued, and, subject to the provisions herein contained relating to certificates stamped after the *fifth day of January* in any year, and not produced within a month to be entered by the registrar, shall take effect as regards such

[87.]

C

A.D. 1891.
Certificate to be entered with the registrar, the Commissioners to supply particulars when stamped.
29 & 30 Vict. c. 84. s. 41

Date and determination of certificate.

29 & 30 Vict. c. 84. s. 42.

A D. 1891. — qualification on the day on which it is stamped; and every certificate shall be and continue in force from the day on which it shall take effect as aforesaid until the *fifth day of January* next following inclusive, and no longer.

Jurisdiction
as to renewal
of annual
certificate.
51 & 52 Vict.
c. 65. s. 15.

49. If a solicitor, who has obtained the registrar's certificate 5 entitling him to practise, neglects for *twelve months*, after the expiration of such certificate to obtain a fresh certificate, and subsequently applies for a fresh certificate, it shall be in the discretion of the registrar to grant or refuse the application, subject to an appeal to the Lord Chancellor, who may affirm the 10 decision of the registrar, or may direct the registrar to issue a certificate to the appellant on such terms and conditions (if any), as he may think fit.

Notice of the intention to make the application must be given to the registrar at least six weeks before the application is actually 15 made, unless such notice is dispensed with by the registrar or by the Lord Chancellor.

No costs re-
coverable by
unqualified
person.
57 & 58 Vict.
c. 68. s. 12.

50. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a solicitor without having previously obtained a stamped 20 certificate, which shall then be in force, shall be recoverable in any action, suit, or matter by such person or any other person or persons whomsoever.

Fees.

Fees payable
to Incorporated
Law Society.
40 & 41 Vict.
c. 25. s. 8.

51. The persons specified in the First Schedule to this Act shall 25 pay to the Incorporated Law Society such fees as are specified in that schedule or such other fees as may from time to time be determined by regulations to be made under this Act.

All expenses to be from time to time incurred by the Society with reference to examinations, and with reference to the lectures, 30 classes, and other teaching provided by the Society from time to time for persons bound or about to be bound under indentures of apprenticeship to solicitors shall be paid by the Society out of such fees.

No fees to be
payable by
apprentices,
&c., other
than those
authorised
by this Act.
29 & 30 Vict.
c. 84. s. 49.

52. From the commencement of this Act no fees other than 35 those specified in the said First Schedule to this Act, or such other fees as may be authorised by regulations so to be made in pursuance of this Act, shall be payable by any person seeking to be bound as an apprentice as aforesaid, or by any person seeking to be admitted and enrolled as a solicitor of the Supreme Court. 40

Penalties.

A.D. 1891.

53. If any solicitor shall wilfully and knowingly act as agent in any action, suit, or matter for any person not duly qualified to act as a solicitor, or permit or suffer his name to be anyways made use of in any action, suit, or matter, upon the account, or for the profit of any unqualified person, or send any process to such unqualified person, or do any act thereby to enable such unqualified person to appear, act, or practise in any respect as a solicitor in any action, suit, or matter, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any Divisional Court of the High Court, or any judge thereof, and proof made thereof upon oath to the satisfaction of such court or judge, that such solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such solicitor so offending may be struck off the roll, and for ever after disabled from practising as a solicitor, or may be suspended from practising as a solicitor for such time as to such court shall seem fit and proper, and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the court or judge to commit such unqualified person so acting or practising as aforesaid to prison for any term not exceeding *one year*.

Solicitors not to act for unqualified persons, &c.
6 & 7 Vict.
c. 73. s. 32.

54. Any person who acts as a solicitor without being duly qualified so to act shall be deemed guilty of a contempt of the court in which the action, suit, or matter in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall in addition to any other penalty or forfeiture, forfeit and pay for every such offence to the Incorporated Law Society the sum of *fifty pounds*, to be recovered, with full costs of suit, by action brought, with the sanction of Her Majesty's Attorney-General in the name of the Incorporated Law Society, in the High Court of Justice.

Penalty for wrongfully acting as a solicitor.
29 & 30 Vict.
c. 84. s. 40.

55. Any person who wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is duly qualified to act as a solicitor, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding the sum of *ten pounds* for each offence.

Penalty for wrongfully acting as a solicitor
37 & 38 Vict.
c. 68. s. 12.

Any offence under this section may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

40 *Miscellaneous Provisions.*

56. In every case where by statutory provision or by custom the qualification of a solicitor to hold any office is his having been

Provision as to admission to offices of.

[87.]

G 2

A.D. 1891.
—
solicitors who
have been
barristers.
23 & 24 Vict.
c. 127. s. 16.

admitted and enrolled as a solicitor a prescribed period, every person who either before the *passing of this Act* has been or hereafter shall be called to the degree of utter barrister in Ireland, and also having been subsequently disbarred, has been admitted and enrolled as a solicitor, shall, in lieu of such qualification as aforesaid, be qualified 5 to hold any such office on the completion of the prescribed period, to be reckoned from the date of such person being called to the degree of an utter barrister in Ireland.

Council of
Incorporated
Law Society
may act on
behalf of
Society.
40 & 41 Vict.
c. 25. s. 19.

57. All rules and regulations, acts, matters, and things respectively authorised or required to be made or done by the Incorporated Law 10 Society, under or in pursuance of this Act, or under any rules and regulations made in pursuance hereof, may be made or done by the council for the time being of the Society on behalf of the Society.

Authentica-
tion of regu-
lations and
other docu-
ments.
40 & 41 Vict.
c. 25. s. 20.

58. All rules, regulations, certificates, notices, and other documents made or issued by the Incorporated Law Society for any purpose 15 whatever may be in writing or print, or partly in writing and partly in print, and may be signed on behalf of the Society by the secretary, or by such other officer or officers of the Society as may be from time to time prescribed by the council, and the production of a copy of any such rules, regulations, certificates, notice, or other 20 documents purporting to be signed by the secretary or other officer of the Society shall be *prima facie* evidence of the due making thereof.

Rules as to
procedure
before com-
mittee, and
for carrying
Act into
execution.

59. The Lord Chancellor, the Presidents of the Queen's Bench Division and Exchequer Division of the High Court, the Master of 25 the Rolls, and President of the Incorporated Law Society, or any three of them, of whom the Lord Chancellor shall be one, may make and from time to time alter and revoke rules and regulations for regulating the making, hearing, and determining applications to the committee of the Society under this Act, and reports by 30 the committee to the court under this Act, and generally for the purpose of the execution of the provisions of this Act (except the provisions in respect of which the power of making rules and regulations is expressly given by this Act to the Incorporated Law Society alone), and the production of a copy of such rules and 35 regulations purporting to be signed by the Lord Chancellor, shall be *prima facie* evidence of the due making thereof.

Act not to
extend to
examination,
&c. of soli-
citors to
public de-
partments.

60. This Act shall not extend, or be construed to extend, to the examination, swearing, admission, or enrolment, or any rights or privileges of any persons appointed to be solicitors to the Treasury, 40 Customs, Inland Revenue, Post Office, or any other branch of Her Majesty's Revenue, or to the solicitor to the Board of Admiralty,

or to the solicitor to the War Department, or to affect the provisions of section three of the Act of the fifteenth and sixteenth years of Her Majesty's reign, chapter sixty-one, or of section two hundred and seventy-three of the Customs Consolidation Act, 1876.

5 **61.** All enactments referring to attorneys which are in force immediately after the commencement of this Act shall be construed as if the expression "solicitor of the Supreme Court of Judicature in Ireland" were therein substituted for the expression "attorney."

10 **62.** Where in any Act or document any provisions of the Attorneys and Solicitors (Ireland) Act, 1866, which are repealed by this Act, are mentioned or referred to, such Act or document shall be read as if the provisions of this Act applicable to purposes the same or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions, and
15 were substituted for the same.

Temporary Provision and Repeal.

63. All persons who before this Act comes into operation have passed a preliminary, but have not passed a final, examination under the enactment hereby repealed, shall be deemed respectively to
20 have passed a preliminary examination under this Act, and all persons who have passed a final examination under the said enactment and regulations made thereunder, but have not been admitted, shall be deemed to have passed a final examination under this Act.

64. The Attorneys and Solicitors Act (Ireland), 1866, is hereby
25 repealed as from the first day of January one thousand eight hundred and ninety-two.

A.D. 1891.

FIRST SCHEDULE to which this Act refers.

		£	s.	d.
Sections 30, 31.	1. Fee to be paid to the Incorporated Law Society by each person on lodgment of his petition for leave to be bound apprentice to a solicitor	8	3	0
	2. Fee to be paid to the Society by each apprentice on the entry of his indentures by the registrar	0	3	0
	3. Fee to be paid to the Society by each apprentice on his application for permission to attend the final examination for admission as a solicitor	10	0	0
	4. And for each attendance at a preliminary or final examination after the first	1	1	0
	5. Fee to be paid to the Society by each solicitor on the entry of his name on the roll of solicitors	5	5	0

SECOND SCHEDULE to which this Act refers.

15

Section 42.

To all whom it may concern, I [name and style of judge] do hereby certify that [terms of certificate of admission granted to the attorney or solicitor in the colony], and that the said [name of attorney or solicitor] is now duly enrolled as an attorney and solicitor in this colony, and entitled to practise as such; and further, that no charge or accusation has been established or is pending against the said [] in such his professional character or otherwise affecting his fair fame and repute, and I find that the sum of £ was paid on indentures of apprenticeship [or articles of clerkship] when the said was apprenticed [or articulated], and the sum of £ on the certificate of admission when he was admitted to practise as aforesaid. [To be signed and attested and otherwise authenticated in the manner usual in other certificates granted by the judge].

THIRD SCHEDULE to which this Act refers.

Form of Annual Declaration for obtaining the Registrar's Certificate.

No. 30

I hereby declare, that I (or A.B.) was admitted a solicitor of the Court of in sittings or term in the year and that my (or his) place or places of business are as follows:

Dated this 18 35

A.B. (or C.D. Partner
(or Dublin Agent) of the said A.B.)

To

The Registrar of Solicitors in Ireland.

FOURTH SCHEDULE to which this Act refers.

A D. 1891.

Form of Registrar's Certificate.

Pursuant to the Solicitors (Ireland) Act, 1891, the Incorporated Law Society, as the registrar of solicitors appointed under the said Act, hereby
5 certify that

solicitor, whose place (or places) of business is (or are) at

10 hath this day delivered and left with the secretary of the said Society a declaration in writing signed by the said solicitor (or by his partner, or by his Dublin agent on his behalf, as the case may be), containing his name and place or places of business, together with the sittings or term and year in or as of which he was admitted a solicitor; and the said Society (as the registrar) hereby further certify that the said solicitor is duly enrolled a solicitor of the Supreme Court of Judicature in Ireland, and is entitled to practise as such solicitor upon this certificate being duly stamped as required by law.

15 Given under the hand of the secretary of the Incorporated Law Society (as such registrar) this day of 18 .

} Secretary.

Solicitors and
Apprentices (Ireland).

4

B I L L

To amend and consolidate the Laws
relating to Solicitors and to the
Service of Indentured Apprentices
in Ireland.

*(Prepared and brought in by
Mr. O'Neill, Mr. Murray Burke,
Mr. Macneil, Mr. O'Keefe, and Mr. Fitzgerald.)*

42

*Ordered, by His Grace of Commons, to be Printed,
16 November 1876.*

PRINTED BY JOHN JOSEPH BURNARD,
STATIONER TO HIS GRACE OF COMMONS, AND PRINTED BY ORDER

And to be printed, after being corrected by the Committee
of the House of Commons, and to be printed by the
PRINTING OFFICE OF THE HOUSE OF COMMONS, ST. MARTIN'S LANE, W.C.
And to be printed by the
JOHN JOSEPH BURNARD, STATIONER, AND
PRINTING OFFICE, ST. MARTIN'S LANE, W.C.
PRINTED BY JOHN JOSEPH BURNARD, STATIONER, AND
PRINTING OFFICE, ST. MARTIN'S LANE, W.C.

[Printed in the
House of Commons.]

[Bill 87.]